



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: EG&G Washington Analytical Services Center,
Inc.--Request for Reconsideration
File: B-231168.2
Date: July 13, 1988

DIGEST

Request for reconsideration is denied where request contains no statement of facts or legal grounds warranting reversal but merely restates arguments made by the protester and previously considered by the General Accounting Office.

DECISION

EG&G Washington Analytical Services Center, Inc., requests reconsideration of our decision, EG&G Washington Analytical Services Center, Inc., B-231168, May 24, 1988, 88-1 CPD ¶ ___, in which we dismissed its protest as untimely. We deny the request for reconsideration.

EG&G's protest concerned, among other issues, the Navy's evaluation of the firm's proposal and the agency's use of Defense Contract Audit Agency (DCAA) rate information in that evaluation. In its protest, which was filed with our Office on April 29, 1988, EG&G argued that the DCAA rate information which the firm knew was used to evaluate its proposal could not be reconciled with the firm's proposal or with its financial data. Further, according to the protester, in spite of its repeated requests between April 14 and April 21, neither the Navy nor DCAA would explain how the DCAA rates were calculated.

We stated in our original decision that EG&G's protest concerned the Navy's use of the DCAA recommended rates to evaluate its cost proposal. We concluded that the firm knew or should have known its basis for protest on April 14, since the firm was told on April 11 that the DCAA rates had been used to evaluate the firm's proposal and the firm was given a copy of those rates on April 14. We determined that the protest relating to this issue was untimely since it was filed on April 29, more than 10 working days after April 14.

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In response to the Navy's request that we dismiss the protest as untimely, EG&G argued in a letter dated May 11 that it did not have a basis for protest until April 21 after DCAA and the Navy refused to answer its questions regarding the origin of the DCAA rates. We rejected this argument in our original decision since the firm's contacts with DCAA and the Navy after April 14 did not raise any new grounds for protest. We also dismissed EG&G's allegation that its technical proposal was superior to that of the awardee as untimely and its allegation that the Navy improperly provided the awardee with a list of EG&G employees which should be hired by the awardee as not stating a valid basis for protest.

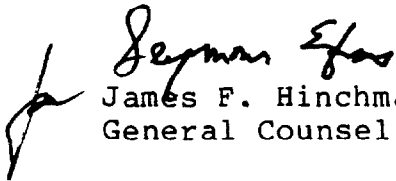
EG&G's reconsideration request concerns only the issue relating to the DCAA rate information. EG&G disagrees with our conclusion as to its basis for protest and argues that its protest actually was based on the fact that the Navy would not explain why the DCAA rates were different than EG&G's proposed rates. According to EG&G, the inquiries it made to DCAA and the Navy between April 14 and April 21 were for the purpose of determining the origin of the rates and whether those rates were derived from EG&G financial data. EG&G says that those inquiries were necessary to determine its basis for protest and argues that it was not aware of its basis for protest until April 21 when the contracting officer refused to answer the firm's questions. Thus, EG&G argues that its protest was timely since it was filed on April 29, within 10 working days after April 21.

The standard for reconsideration is that a requesting party must show that our prior decision contains either errors of fact or law or that the protester has information not previously considered that warrants reversal or modification of our decision. Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1988); I.T.S. Corp.--Request for Reconsideration, B-228919.2, Feb. 2, 1988, 88-1 CPD ¶ 101. Repetition of arguments made during the original protest or mere disagreement with our decision does not meet this standard. Id.

After reviewing the record and the reconsideration request, we conclude that EG&G has repeated arguments it made in its May 11 letter under the original protest. In this respect, EG&G argued there, as it does here, that its protest related to the Navy's failure to explain the origin of the DCAA rates. Nonetheless, as we stated in our initial decision, EG&G knew on April 14 that the Navy had used the DCAA rates to upwardly adjust EG&G's proposed rates for evaluation purposes. Also, according to the initial protest, EG&G was able to conclude, when it was given those rates on April 14,

that the rates were not derived from EG&G financial data.^{1/} Thus, on April 14, the firm had grounds to protest the use of those rates in the evaluation. EG&G's contacts with DCAA and the Navy after April 14 provided the firm with no new information and did not raise any new grounds of protest. Moreover, those contacts did not justify the firm's delay in filing a protest. While the request for reconsideration reflects EG&G's disagreement with our decision, it does not provide us with any basis to reconsider the decision.

The request for reconsideration is denied.


James F. Hinchman
General Counsel

^{1/} Although the reconsideration request implies that the firm needed more information after April 14 to determine if the DCAA rates were based on EG&G financial data, this is contrary to the position that the firm took in its original protest. In the original protest, EG&G stated that it could not reconcile the DCAA rates with its financial data and concluded that those rates were not based on EG&G data.